

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Teresa Fuentes Diaz,

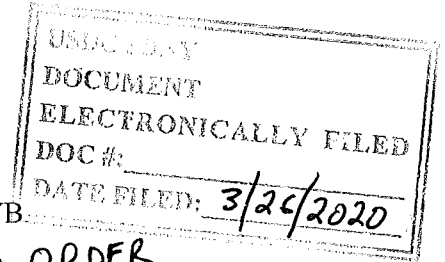
Plaintiff,

v.

Priority Home Care, Inc. and Does 1–50, inclusive,

Defendants.

No.: 7:19-cv-11737-VB



**AND ORDER
STIPULATION TO WITHDRAW
WITHOUT PREJUDICE**

WHEREAS Plaintiff Teresa Fuentes Diaz (“Plaintiff”) filed this action on December 23, 2019;

WHEREAS Defendants Priority Home Care, Inc. and Does 1-50, inclusive, (collectively, “Defendants”) retained James McGrath III of Putney, Twombly, Hall & Hirson LLP as their attorneys in this Action;

WHEREAS Defendants provided Plaintiff with sufficient documentation to establish Plaintiff was a member of a certified bargaining unit under federal labor law, subject to a collective bargaining agreement between Defendants and 1199SEIU, and Plaintiff’s allegations in this Action are subject to the grievance and arbitration provisions of the CBA;

THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between counsel for Plaintiff and Defendants that the claims filed by Plaintiff against Defendants in this Action titled *Teresa Fuentes Diaz, Priority Home Care, Inc. and Does 1-50, inclusive*, Case No. 7:19-cv-11737-VB should be and hereby are dismissed without prejudice and without costs or attorneys’ fees against any either party.

Dated: March 26, 2020

By /s/ Benjamin D. Weisenberg
Benjamin D. Weisenberg, Esq.
Counsel for Plaintiff

Dated: March 26, 2020

By /s/ James McGrath, III
James McGrath, III, Esq.
Counsel for Defendants

IT IS SO ORDERED.

Dated: 3/26/2020

By _____
HON. Vincent L. Briccetti

Vincent L. Briccetti
Vincent L. Briccetti, U.S.D.J.

The Clerk is instructed to accept this Stipulation and Order of Voluntary Dismissal, electronically signed by the parties, and close this case.